

DOCKET NO. P04756
CLIENT NO. NATH15-04756
CUSTOMER NO. 23990

PATENT
7/5/2003 IN 3:11

PATENT

US PATENT & TRADEMARK
OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Peter J. Sallaway, et al
U.S. Serial No. : 09/751,037
Filed : December 29, 2000
For : SYSTEMS FOR MONITORING AND CONTROLLING
OPERATING MODES IN AN ETHERNET TRANSCEIVER AND
METHODS OF OPERATING THE SAME
Group No. : 2661
Examiner : Ian N. Moore

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MAIL STOP 16

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

Applicant hereby files this Request for Refund in the amount of \$500.00 for the overpayment charged to Davis Munck Deposit Account No. 50-0208 on November 22, 2005. A copy of the Deposit Account Statement dated November 2005 is attached.

On August 29, 2005, Applicant mailed an Appeal Brief with a request that the \$500.00 fee be charged to Davis Munck Deposit Account No. 50-0208. On, September 2, 2005, the \$500.00 fee was charged to the Deposit Account. A copy of the Deposit Account Statement dated September 2005 is attached.

ATTORNEY DOCKET NO. P04756 (NATT15-04756)
U.S. SERIAL NO. 09/751,037
PATENT

On November 16, 2005, Applicant submitted a Substitute Appeal Brief in response to the Notice of Non-Compliant Appeal Brief dated October 18, 2005. Since the appeal brief fee had already been paid, the filing of the Substitute Appeal Brief should not have incurred another fee.

Please issue a credit in the amount of \$500.00 to Davis Munck Deposit Account No. 50-0208 for this overpayment.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date:

Nov. 22, 2005



William A. Munck
Registration No. 39,308

P.O. Drawer 800889
Dallas, Texas 75380
Tel: (972) 628-3600
Fax: (972) 628-3616
E-mail: wmunck@davismunck.com

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Deposit Account Statement

NO. 220 D05

Page 1 of 2



United States
Patent and
Trademark Office

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Deposit Account Statement

Requested Statement Month:

September 2005

Deposit Account Number:

500208

Name:

DAVIS MUNCK

Attention:

JOHN T MOCKLER

Address:

900 THREE GALLERIA TOWER

City:

DALLAS

State:

TX

Zip:

75240

Country:

UNITED STATES OF AMERICA

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BA |
|-------|------|--------------------|---------------------------|-------------|-----------|-----|
| 09/02 | 6 | 09751037 | P04758 | 1402 | \$500.00 | \$6 |
| 09/02 | 248 | 28224490 | 4848-00325 | 8007 | \$180.00 | \$6 |
| 09/02 | 249 | 28224431 | 4848-00323 | 8007 | \$180.00 | \$6 |
| 09/02 | 409 | PCT/US04/10744 | JUDD01-00004 | 1705 | \$11.00 | \$6 |
| 09/06 | 11 | 10827184 | 00-C-016D1 (STM101-00097) | 1201 | \$400.00 | \$6 |
| 09/06 | 433 | 78706457 | RFMI01-00264 | 7001 | \$325.00 | \$5 |
| 09/07 | 372 | 78707411 | RFMI01-00278 | 7001 | \$325.00 | \$5 |
| 09/07 | 385 | 11058920 | | 8021 | \$40.00 | \$5 |
| 09/07 | 406 | 11124917 | | 8021 | \$40.00 | \$6 |
| 09/14 | 239 | 78712004 | RFMI01-00279 | 7001 | \$325.00 | \$4 |
| 09/15 | 227 | 10933897 | | 8021 | \$40.00 | \$4 |
| 09/15 | 228 | 10933898 | | 8021 | \$40.00 | \$4 |
| 09/15 | 1512 | 78713493 | ENTE02-00002 | 7001 | \$325.00 | \$4 |
| 09/16 | 157 | 09414590 | 0090344 | 1201 | -\$258.00 | \$4 |
| 09/19 | 14 | 11031674 | | 9204 | -\$400.00 | \$4 |
| 09/19 | 25 | PCT/US05/31600 | COMP09-00014 | 1602 | \$700.00 | \$4 |
| 09/19 | 103 | 75474160 | SAMS02-00020 | 7004 | \$150.00 | \$4 |
| 09/26 | 796 | 10605938 | | 8021 | \$40.00 | \$4 |
| 09/26 | 797 | 10710322 | | 8021 | \$40.00 | \$4 |
| 09/26 | 798 | 6783519 | | 8021 | \$40.00 | \$4 |
| 09/26 | 1844 | 76503651 | TRUL01-00004 | 7004 | \$150.00 | \$3 |
| 09/28 | 1 | 09386282 | 85773-155 | 1811 | \$100.00 | \$3 |

START

SUM OF

SUM OF

END

Deposit Account Statement

Page 2 of 2

| BALANCE | CHARGES | REPLENISH BALANCE |
|------------|------------|---------------------|
| \$7,055.00 | \$3,951.00 | \$658.00 \$3,762.00 |

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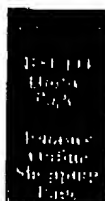
Deposit Account Statement

Page 1 of 1



**United States
Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month: November 2005
 Deposit Account Number: 500208
 Name: DAVIS MUNCK
 Attention: JOHN T MOCKLER
 Address: 900 THREE GALLERIA TOWER
 City: DALLAS
 State: TX
 Zip: 75240
 Country: UNITED STATES OF AMERICA

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|-------|-----|--------------------|---------------------------|-------------|-----------|------------|
| 11/01 | 43 | 6939132 | IZ-200210-001 | 1482 | \$270.00 | \$6,103.00 |
| 11/01 | 62 | 09839457 | WEST14-00022 | 1501 | \$370.00 | \$5,733.00 |
| 11/01 | 64 | 09839457 | WEST14-00022 | 1504 | \$300.00 | \$5,433.00 |
| 11/01 | 65 | 09839457 | WEST14-00022 | 8001 | \$30.00 | \$5,403.00 |
| 11/04 | 6 | 09543906 | 3384.0352-01 | 1811 | \$100.00 | \$5,303.00 |
| 11/04 | 17 | 09570331 | P04722 | 1201 | -\$86.00 | \$5,389.00 |
| 11/04 | 276 | 2980497 | KIDK01-00021 | 8503 | \$15.00 | \$5,374.00 |
| 11/08 | 32 | 10664010 | P05676 | 1202 | -\$100.00 | \$5,474.00 |
| 11/16 | 8 | 60627759 | P06153 | 8007 | \$60.00 | \$5,414.00 |
| 11/16 | 9 | 11044748 | P06153 | 8007 | \$60.00 | \$5,354.00 |
| 11/18 | 106 | 09414590 | 0090344 | 1202 | -\$828.00 | \$6,182.00 |
| 11/18 | 107 | 09414590 | 0090344 | 1201 | \$258.00 | \$5,924.00 |
| 11/18 | 108 | 09414590 | 0090344 | 1202 | \$72.00 | \$5,852.00 |
| 11/22 | 39 | 0158870211 | KOSS01-00010 | 8014 | \$25.00 | \$5,827.00 |
| 11/22 | 105 | 09751037 | P04756 | 1402 | \$500.00 | \$5,327.00 |

| | | | |
|------------------|-------------------|---------------------|----------------|
| START BALANCE | SUM OF CHARGES | SUM OF REPLENISH | END BALANCE |
| \$6,373.00 | \$2,060.00 | \$1,014.00 | \$5,327.00 |

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DOCKET NO. P04756
CLIENT NO. NATIIS-04756
CUSTOMER NO. 23990

PATENT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Peter J. Sallaway, et al

U.S. Serial No. : 09/751,037

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Filed : December 29, 2000

For : SYSTEMS FOR MONITORING AND CONTROLLING
OPERATING MODES IN AN ETHERNET TRANSCEIVER AND
METHODS OF OPERATING THE SAME

Group No. : 2661

Examiner : Ian N. Moore

MAIL STOP 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION BY FACSIMILE

Sir:

The undersigned hereby certifies that the following documents:

1. Request for Refund; and
2. Copies of September, 2005 and November, 2005 Deposit Account Statements

relating to the above application was faxed to (571-273-6500) on November 22, 2005.Date: Nov 22, 2005

Faxer

Kathy HamiltonDate: Nov 22, 2005William A. Munck

Reg. No. 39,308

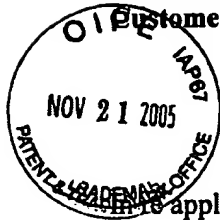
P.O. Drawer 800889
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Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: wmunck@davismunck.com

APB
JPW

DOCKET NO. P04756 (NATI15-04756)

PATENT

Customer No. 23990



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Peter J. Sallaway, et al.

Serial No.: 09/751,037

Filed: December 29, 2000

For: SYSTEMS FOR MONITORING AND CONTROLLING
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MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

11/22/2005 DTESSEM1 00000078 500208 09751037

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SUBSTITUTE APPEAL BRIEF

In response to the Notice of Non-Compliant Appeal Brief dated October 18, 2005, the Appellants respectfully submit this Substitute Appeal Brief.

The Appellants have appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 28, 2005, finally rejecting Claims 1-38. The Appellants filed a Notice of Appeal on June 28, 2005, which was received by the U.S. Patent and Trademark Office on July 1, 2005. The Appellants respectfully submit this brief on appeal with the appropriate statutory fee.

Adjustment Date: 12/20/2005 SDIRETA1
11/22/2005 DTESSEM1 00000078 500208 09751037
01 FC:1402 500.00 CR